

State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text

PUBLIC HEARING TO CONSIDER ADOPTION OF EMISSION STANDARDS
AND TEST PROCEDURES FOR NEW 2003 AND LATER SPARK-IGNITION
INBOARD AND STERNDRIVE MARINE ENGINES.

Public Hearing Date: July 26, 2001
Public Availability Date: January 3, 2002
Deadline for Public Comment: January 18, 2002

At its July 26, 2001, public hearing, the Air Resources Board (the "Board" or "ARB") approved the amendment of sections 2111, 2112 and Appendix A to Article 2.1, 2139, 2140, 2147, 2440, 2441, 2442, 2443.1, 2443.2, 2443.3, 2444, 2445.1, 2445.2, 2446, and the adoption of section 2444.2, Title 13, California Code of Regulations (CCR); and the amendment of the "California Exhaust Emission Standards and Test Procedures for 2001 Model Year and Later Spark-Ignition Marine Engines." The purpose of this rulemaking is to reduce hydrocarbons and oxides of nitrogen emissions that are emitted from inboard and sterndrive spark-ignition marine engines. Besides requiring the inboard and sterndrive engine manufacturers to build engines that meet California's exhaust emission standards, the approved regulations also implement provisions for certification test procedures, an on-board diagnostic system, in-use emissions compliance, consumer and environmental labeling, and a warranty requirement. The proposed regulatory action is described in detail in the initial statement of reasons (staff report), released June 8, 2001, and available on the Internet at:

<http://www.arb.ca.gov/regact/marine01/marine01.htm>.

At the hearing, the staff presented, and the Board approved modifications to the regulations originally proposed in the Staff Report released on June 8, 2001, in response to comments received since the Staff Report was published. These modifications included:

1. Changes to the 2003 emission standards and to the 2007 emission standard phase-in rates.

The 2003 HC+NO_x exhaust emission standard was raised from 15 to 16 grams/kilowatt-hour, reflecting a level that better characterizes emissions from current production and achieves the intent of "capping" the exhaust emissions. To offset possible increases to the emissions inventory because of this change, the phase-in rates for engines complying with the catalyst-based standards were

modified to provide greater benefits sooner. For 2007-2009, the original 10%-50%-100% implementation schedule was adjusted forward to 45%-75%-100% of the manufacturer's annual sales.

2. Repeal of the small-volume manufacturers provisions.

The option for small-volume manufacturers to delay compliance until 2009 was retracted in order to compensate for the raising of the HC+NO_x standard from 15 to 16 grams/kilowatt-hour.

3. Revised requirements for on-board diagnostic systems.

The requirements for the on-board diagnostic systems were revised to provide manufacturers more flexibility with respect to component monitoring strategies and fault code/communication formatting, while still maintaining the desired effectiveness. The misfire monitoring requirement is subject to Executive Officer approval and shall be based on the need to protect the catalyst.

4. Revision of the responsibility of labeling for engine manufacturers and boat manufacturers.

The regulations were revised to limit the engine manufacturer's responsibility for engine and environmental labels on watercraft. Due to concerns of maintaining engine label visibility, the engine manufacturers may attach engine and environmental labels to engine parts that are potentially (but not necessarily likely) removable by the ultimate purchaser. The engine manufacturers also shall supply all the required labels to the watercraft/original equipment manufacturers (*i.e.*, boat builders) along with appropriate instructions. The boat builders will be responsible for attaching the appropriate labels on the hulls of their watercraft.

5. Other nonsubstantive, clarifying changes.

With regard to in-use compliance testing, inboard and sterndrive engines are subject to the provisions specified in Title 13, Sections 2111-2140 and 2147 of the California Code of Regulations. Additionally, new inboard and sterndrive engines are subject to selective enforcement audit testing as specified in Title 13 Section 2446, but not the testing or reporting requirements associated with production-line testing. Also, changes to the original proposal were made to correct inconsistencies; most notably, changing text containing the words "sterndrive and inboard" to "inboard and sterndrive," thereby harmonizing with the initial statement of reasons.

By this notice, the modified regulations and additional documents and information are being made available for public comment prior to final action by the Board's Executive Officer. Attached to this notice is Board Resolution 01-23 (Attachment A), which approves the regulatory action. The text of the modified

regulatory language is appended to the Resolution as Attachment B. The originally proposed amendments are shown in ~~single strikeout~~ to indicate deletions and single underline to indicate additions to existing regulatory language. The modifications to the staff's original proposal are shown in ~~double strikeout~~ to indicate deletions and double underline to indicate additions.

Because this version of the amendments may be difficult to read, an additional document (Attachment C) has been prepared for the reader's convenience. This document contains a plain text version of the modified regulatory language in its final form, without ~~strikeouts~~, underlines, or other features to indicate the modifications. All aforementioned documents may be obtained from the Internet at the URL below.

<http://www.arb.ca.gov/regact/marine01/marine01.htm>

For those without Internet access or who require a hardcopy of the documents, please mail your request to the California Air Resources Board, Off-Road Controls Section (Attention: Maggie Dawson), 9528 Telstar Avenue, El Monte, CA 91731. For faster response, please fax your request to (626) 459-4480.

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to amend sections 2111, 2112 and Appendix A to Article 2.1, 2139, 2140, 2147, 2440, 2441, 2442, 2443.1, 2443.2, 2443.3, 2444, 2445.1, 2445.2, 2446, and to adopt 2444.2, Title 13, California Code of Regulations, and to amend the "California Exhaust Emission Standards and Test Procedures for 2001 Model Year and Later Spark-Ignition Marine Engines" after making them available to the public for comment for a period of at least 15 days. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

Written comments on the proposed modifications contained in Attachment B may be submitted no later than January 18, 2002 (the deadline for public comment), by postal mail, electronic mail, or facsimile as follows:

Postal mail is to be sent to:

Clerk of the Board
Air Resources Board
P.O. Box 2815
Sacramento, California 95812

Electronic mail is to be sent to: marine01@listserve.arb.ca.gov

Facsimile submissions are to be transmitted to: (916) 322-3928.

In order to be considered by the Executive Officer, comments must be directed to the ARB in one of the three forms described above and received by the ARB by 5:00 p.m. on the last day for supplemental comment listed at the beginning of this notice. Only comments relating to the modifications to the text of the regulations or incorporated Test Procedure document will be considered by the Executive Officer.

Thank you for participating in our regulatory process. If you have technical questions concerning this rulemaking, please contact Ms. Jackie Lourenco, Manager, Off-Road Controls Section, at (626) 575-6676.

If you are a person with a disability and desire to obtain this document in an alternative format, please contact the Air Resources Board ADA Coordinator at (916) 323-4916.

Persons with hearing or speech impairments can contact us by using our Telephone Device for the Deaf (TDD) at (916) 324-9531 or (800) 700-8326 for TDD calls from outside the Sacramento area.

Sincerely,

Robert H. Cross, Chief
Mobile Source Control Division

Attachments

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce and cut your energy costs to see our Web-site at www.arb.ca.gov.